

**STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
ON
MONDAY, OCTOBER 17, 2011, AT 9:30 AM**

Present: Chair John Naimo, Laurie Milhiser, and John Krattli

1. **Call to Order.**
2. **Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

a. **Claim of Erica Loberg**

This matter concerns allegations that an employee of the Department of Mental Health was subjected to retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$25,000 and the payment of unpaid salary and benefits.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

**b. Bertha Carino v. County of Los Angeles
Los Angeles Superior Court Case No. BC 430 763**

This lawsuit arises from injuries received from a slip and fall accident which occurred at the LAC+USC Medical Center.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$32,500 and waiver of a \$1,500 lien.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Documents](#)

**c. Victoria L. Wilder v. Herbert G. Hunt, et al.
Los Angeles Superior Court Case No. PC 046 224**

This dangerous condition lawsuit arises from injuries sustained in an automobile accident which occurred at the intersection of Lake Manor Drive and Ventura Way in the unincorporated Chatsworth area.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$150,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Documents](#)

**d. Suzanne Gracia v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 440 499**

This lawsuit concerns allegations that a civilian employee of the Sheriff's Department was subjected to sexual harassment.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$95,000

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

e. **Richard Sule v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 435 683

This lawsuit by a former employee of the Department of Public Social Services arises from allegations of racial discrimination.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$35,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

f. **Diane Weissburg v. County of Los Angeles**
Los Angeles Superior Court Case No. SC 093 110

This lawsuit concerns allegations that a former employee of the Department of Children and Family services was subjected to discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$275,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Review of Board Policy No. 8.020 – Procedures for Including Corrective Follow-up Reports as Part of the Claims Settlements Presented to the Board.

Action Taken:

The Claims Board continued this item.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

6. **Approval of the minutes of the October 3, 2011, regular meeting of the Claims Board and the October 12, 2011, special meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

[See Supporting Documents](#)

7. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

8. **Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Bertha Carino v. County of LA
CASE NUMBER	BC430763
COURT	Los Angeles Superior Court
DATE FILED	January 28, 2010
COUNTY DEPARTMENT	Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 32,500
ATTORNEY FOR PLAINTIFF	O'Neil & Matussek Thomas O'Neil and Henry Matussek
COUNTY COUNSEL ATTORNEY	Takin Khorram Deputy County Counsel
NATURE OF CASE	Plaintiff slipped and fell on a puddle of water and ice while entering LAC+USC Medical Center. Ms. Carino alleges that the puddle was a dangerous condition which LAC+USC should have been aware of. The County asserts that it was not aware of the puddle and it properly inspected and maintained the floors of the Medical Center on a routine basis and the existence of ice in the puddle shows that the

spill had not been there long enough for the janitorial staff to have notice of it.

Due to the risks and uncertainties of trial, and the potential exposure to an adverse verdict, the County engaged in settlement negotiations with the plaintiff, resulting in the recommended settlement with the plaintiff for the amount of \$32,500.

PAID ATTORNEY FEES, TO DATE	\$	59,767
PAID COSTS, TO DATE	\$	5,664

Case Name: Carino, Bertha



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	June 3, 2009
Briefly provide a description of the incident/event:	While entering the LAC+USC Medical Center Clinic Tower, 39 year old Bertha Carino claims she slipped and fell in a puddle of water and ice resulting in a left ankle sprain and contusions to her left knee, shoulder and elbow. Ms. Carino was treated in the emergency room for a left ankle sprain and contusions to her left knee, shoulder and elbow, and instructed to follow-up in one week with her primary care provider. Security camera footage was not available for retrieval and assessment due to the procedure of recycling CCTV tapes after three weeks.

1. Briefly describe the root cause(s) of the claim/lawsuit:

- Inability to retrieve CCTV images of the incident to assess the existence and duration of alleged dangerous condition of floor and surrounding area.
- Lack of a thorough and adequate inspection and maintenance system.

2. Briefly describe recommended corrective actions: (Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

SYSTEM

Based on the inability to retrieve images due to the past practice of recycling CCTV tapes after three weeks, the facility developed Policy #664 to standardize and facilitate 1) installation of security cameras 2) storage and recordation of images and 3) conditions under which stored images or videos are to be used.

In addition, in September 2009, the Director of Environmental Services established specific responsibilities and routines for the care of the floors at the LAC+USC Medical Center Clinic Tower.

PERSONNEL: N/A

SYSTEM-WIDE

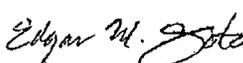
- Please see attached system-wide addendum.

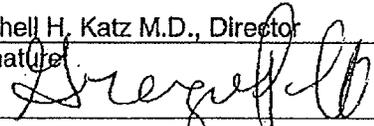
County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:

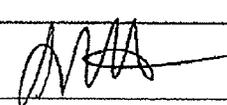
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has County-wide Implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator)	
Edgar M. Soto, MBA, CSP, SSGB	
Signature: 	Date: 9/20/11

Name: (Department Head)	
for Mitchell H. Katz M.D., Director	
Signature: 	Date: 9/26/11

Chief Executive Office Risk Management

Name: Leo Constantino	
Signature: 	Date: 9/27/2011

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Victoria Wilder v. Herbert G. Hunt, et al.
CASE NUMBER	PC046224
COURT	Los Angeles Superior Court (Chatsworth)
DATE FILED	10/23/2009
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ \$150,000
ATTORNEY FOR PLAINTIFF	Eliseo Gauna, Esq.
COUNTY COUNSEL ATTORNEY	Tighe F. Hudson Principal Deputy County Counsel
NATURE OF CASE	<p>This is an alleged dangerous condition lawsuit concerning an automobile accident which occurred on May 8, 2008, at the intersection of Lake Manor Drive and Ventura Way.</p> <p>Victoria L. Wilder (age 54) was a passenger in vehicle making a left turn onto Ventura Way when it was struck by an approaching vehicle. She alleges a dangerous condition of public property. The County denies that there was a dangerous roadway condition and contends that none of the roadway features contributed to this accident.</p>

Due to the risks and uncertainties of litigation, we join our third-party administrator, Carl Warren & Company, and our private counsel, Allen L. Thomas, Esq., in conjunction with the Department of Public Works, recommending a full and final settlement of the case in the amount for \$150,000.

PAID ATTORNEY FEES, TO DATE	\$	62,920
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PAID COSTS, TO DATE	\$	23,666
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Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel

Claim. Date of incident/event:	May 8, 2008
Briefly provide a description of the incident/event:	On May 8, 2008, Victoria Wilder (passenger) sustained injuries when Herbert Hunt (driver) attempted to make a left turn from Lake Manor Drive onto Ventura Way in the unincorporated Chatsworth area and was struck by a westbound vehicle on Lake Manor Drive driven by Timothy Wedgeworth.

1 Briefly describe the root cause of the claim/lawsuit:

Based on our analysis, there is no dangerous condition on Lake Manor Drive at Ventura Way. All signs, striping, and pavement markings were in place and were visible at the time of the subject incident. These signs and markings, including regulatory speed limit signs, were placed in accordance with applicable guidelines and in conformance with good traffic engineering practices.

According to our records, there was only one other reported intersection type accident during the 9 years prior to the subject incident. According to our experts, there was sufficient sight distance to allow an adequate gap in westbound traffic for an eastbound motorist to complete a left turn without being in conflict with westbound motorists traveling at the posted speed limit.

According to the Traffic Collision Report prepared by the California Highway Patrol, the driver of the westbound vehicle caused this collision by driving at an unsafe speed for the roadway conditions.

2 Briefly describe recommended corrective actions.
(Include each corrective action, due date, responsible party and any disciplinary actions if appropriate)

No corrective actions are contemplated. Settling this litigation with Plaintiff is a business decision to avoid the risks of trial

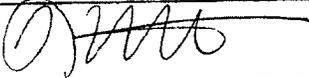
County of Los Angeles Department of Public Works
 Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
 (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i e., all human services, all safety departments, or one or more other departments)
- Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff 	AUGUST 17, 2011
Signature: (Director)	Date:
Gail Farber 	8-30-11

Chief Executive Office Risk Management Branch

Name:	LEONARDO COSTANTINO	Date:	8/15/2011
Signature:		Date:	



ARM:psr
 P4:WILDER SCAP1

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIM OF: Victoria Wilder

INCIDENT DATE: May 8, 2008

INCIDENT LOCATION: Lake Manor Drive at Ventura Way, in the unincorporated Chatsworth area.

RISK ISSUES: There are a total of three defendants in this auto liability case, Timothy Wedgeworth, Herbert G. Hunt, and the County. Should this matter proceed to Court, and an adverse verdict is rendered, the County could be held responsible for the entire amount of economic damages awarded by a jury due to the issue of joint and several liability.

INVESTIGATIVE REVIEW:

On May 8, 2008, Victoria Wilder sustained injuries when the vehicle she was a passenger in, attempted to make a left turn onto Ventura Way, in the unincorporated Chatsworth area, and was struck by a westbound vehicle on Lake Manor Drive driven by Timothy Wedgeworth. According to the Traffic Collision Report prepared by the California Highway Patrol, the driver of the westbound vehicle caused this collision by driving at an unsafe speed for the roadway conditions.

Based on our analysis, there is no dangerous condition on Lake Manor Drive at Ventura Way. All signs, striping, and pavement markings were in place and were visible at the time of the subject incident. These signs and markings, including regulatory speed limit signs, were placed in accordance with applicable guidelines and in conformance with good traffic engineering practices.

According to our records, there was only one other reported intersection type accident during the 9 years prior to the subject incident. According to our experts, there was sufficient sight distance to allow an adequate gap in westbound traffic for an eastbound motorist to complete a left turn without being in conflict with westbound motorists traveling at the posted speed limit.

POLICY ISSUES:

Our Road Maintenance Division (RMD) maintains Lake Manor Drive at the incident location. As part of RMD's operations, Superintendents and Supervisors perform monthly inspections to visually review public streets and alleys for maintenance related conditions. In addition, they are alerted to problem conditions by other public entities, citizens, and their own staff. When maintenance problem conditions are found, corrective actions are taken.

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

October 3, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:30 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Millicent Rolon, Joanne Nielsen, Jennifer A.D. Lehman, Carole Suzuki, Karen Lichtenberg, Brian Chu, Robert Reagan, and Steve Morris; Department of Beaches and Harbors: Walter Popoff; Sheriff's Department: Lt. Pat Hunter; Department of Public Works: Michael Hays and Ken Swanson; Department of Public Health: Jim Day; Department of Human Resources: Cecile Ochoa and Letitia Ellison-Cooper; Outside Counsel: Clay Averbuck.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:35 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the items listed as 4(a) through 4(h) below.

4. Report of actions taken in Closed Session.

At 11:40 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. **Divante M. v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 377 977

Jee MacDougall, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 020 711

These lawsuits concern allegations that a juvenile was sexually assaulted by two older juveniles in a holding tank at the Compton Courthouse while under the supervision of the Probation Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$95,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

b. **Jun Tian v. County of Los Angeles; Derwoyne Redmond**
Los Angeles Superior Court Case No. SC 105 341

This lawsuit arises from a collision between a Department of Beaches and Harbors' refuse-collection truck and a passenger vehicle.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$125,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

c. **Yen Jue Hsiao v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. BC 423 820

This lawsuit concerns allegations of false arrest and excessive force by Sheriff's Deputies.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$100,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

d. **Lincoln Avenue Water Company v. County of Los Angeles**
Los Angeles Superior Court Case No. GC 046 763

This inverse condemnation lawsuit seeks compensation for relocation of water pipelines necessitated by a County street-widening project.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$45,000

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

e. **Harlan Dana Dejongh v. County of Los Angeles**
Los Angeles Superior Court Case No. MC 020 963

This lawsuit arises from injuries sustained in a motorcycle accident allegedly caused by a defective road repair by the Department of Public Works.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$290,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

f. **Cassandra Robinson v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 020 570

This lawsuit arises from injuries the plaintiff received when she stepped into an open water meter box.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$70,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

g. **Marifel Deocampo**
OAAC Nos. PHI-2011-3317V and PHI-2010-2268

This claim concerns allegations that an employee of the Department of Public Health was subjected to sexual harassment and retaliation.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$65,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

h. **Marlette Rankin v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 449 603

This lawsuit concerns allegations that an employee of the Department of Public Health was subjected to disability discrimination and retaliation.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$137,500.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Review of Board Policy No. 8.020 – Procedures for Including Corrective Follow-up Reports as Part of the Claims Settlements Presented to the Board.

Action Taken:

The Claims Board continued this item.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

6. Approval of the minutes of the August 1, 2011, meeting of the Claims Board.

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

7. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

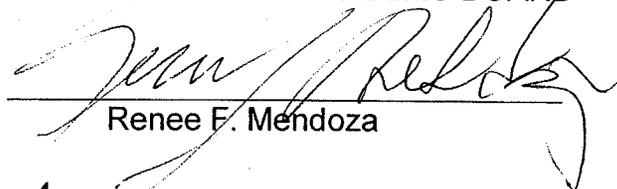
No such matters were discussed.

8. Adjournment.

The meeting was adjourned at 11:45 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF SPECIAL MEETING

October 12, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 11:02 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser and John Krattli.

Other persons in attendance at the meeting were: Office of the County Counsel: Eduardo Montelongo; Department of Health Services: Karen White, David Cochran, Edgar Soto, Bonnie Bilitch, Annie Marquez, and Mary Carter; Department of Human Resources: Cecile Ochoa and Letitia Ellison-Cooper; Outside Counsel: Denise M. Caprioli.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 11:06 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 12:07 p.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

**a. Nona Day v. County of Los Angeles
Los Angeles Superior Court Case No. BC 382473**

This lawsuit concerns allegations of discrimination and retaliation by an employee of the Department of Health Services.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$157,500.

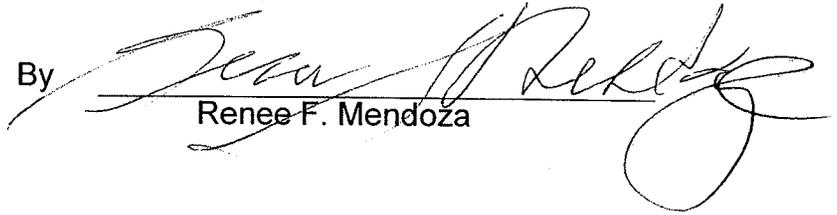
Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

5. **Adjournment.**

The meeting was adjourned at 12:11 p.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By

A handwritten signature in black ink, appearing to read "Renee F. Mendoza", written over a horizontal line.

Renee F. Mendoza